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21 NOV 1961

MEMORANDUM FOR: Director of Personnel

SUBJECT: Agency Policy with Respect to Granting Home  
Leave Under Public Law 86-707

1. A telephone conversation with a member of your office revealed that you are considering a revision of the Agency regulation on home leave. We wish to inform you of two general questions which the Area Divisions have recently asked which concern the home leave privileges granted by Public Law 86-707 and the payment of travel expenses authorized by previous legislation. These are: (a) If an employee who is eligible for home leave defers home leave until sometime after he reports to Washington, FCS, how long does he remain eligible for home leave? (b) When an employee reports to Washington, FCS, with his dependents prior to taking home leave, will the Agency pay travel costs based on a round trip from Washington, D. C. to the home leave point and return to Washington, or on the basis of "constructive costs" from port of entry to the home leave point and then to Washington? One further question naturally arises: Would the answers to the first two questions necessarily be the same when home leave is ordered delayed for official reasons as opposed to a delay solely for personal reasons?

2. The law itself merely states that home leave may be granted upon completion of 24 continuous months of service abroad in accordance with regulations of the President. Regulations issued by the Civil Service Commission say that home leave may be taken "within a reasonable time" after returning to the United States from service abroad. The Agency regulation on this subject uses substantially the same language. Neither the Civil Service Regulations nor Agency regulation [ ] defines the term "reasonable period of time," although [ ] does empower the Director of Personnel to approve home leave in individual cases to be taken after a "reasonable period of time" has elapsed following the employee's return from an overseas tour. The Foreign Affairs Manual published by the State Department says, "If an employee's next assignment is in the Department and he is eligible for and requests home leave, every effort will be made to authorize leave to be taken

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prior to his entrance on duty in the position to which assigned or in one continuous period within six months following the date he reports for duty." (Vol. 3, Section 453.4-2)

3. We have discussed the travel aspects of home leave with the Office of General Counsel and other interested parties. From these discussions we have gained the impression that the Agency may pay all normal home leave travel costs regardless of whether the employee and his dependents take home leave while enroute to Headquarters, PCS, or sometime after reporting to Headquarters. The leave itself and the travel costs incident thereto apparently must be considered as one benefit. It would appear, however, that the Agency has the right to grant the taking of home leave at a time most convenient for the Agency and with due regard to the overall cost involved. Therefore, either a very strict policy or a very liberal one seems to be permissible under the law. It is important that our employees know and understand what the Agency's policy is before we become inextricably involved in a series of precedents established by different components on a case by case basis. We, therefore, urge that definite guidance on home leave administration be incorporated in Agency regulations as soon as possible, to include statements of policy with respect to the questions raised in paragraph one above, in order to insure the equitable and uniform administration of such benefits.

4. Kindly advise if we can be of assistance in developing procedures on this subject.


  
Acting SSA-DD/S

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RWM:vld (20 Nov 61)

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